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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,556	10/12/2005	Shawn Fowler	THAS126531	6653
26389 7590 04/08/2009 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER O'HERN, BRENT T				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
04/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,556

Applicant(s)

FOWLER ET AL.

Examiner

Brent T. O'Hern

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims

1. Claims 1-10 are pending.

WITHDRAWN REJECTIONS

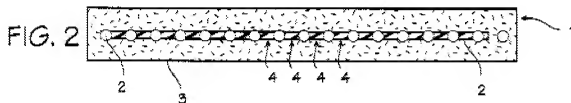
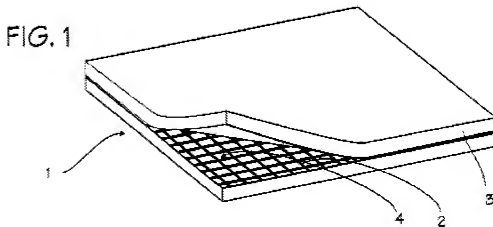
2. All rejections of record in the Office Action mailed 10/1/2008 have been withdrawn due to Applicant's amendments in the Paper filed 1/30/2009.

NEW REJECTIONS

Claim Rejections - 35 USC § 103

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent (US 5,924,694) in view of Crook (US 5,482,754).

Kent ('694) teaches a rubber mat (See FIGs 1 and 2 and col. 3, l. 1 to col. 4, l. 4, col. 4, ll. 23-34, mat #1.),



comprising a flexible rubber slab having opposed side edges defining a width and opposed end edges defining a length (*See FIGs 1 and 2.*) ; and a rigidifying grid of reinforcing wire made of steel having the same gauge embedded within the rubber slab and consisting of a plurality of parallel spaced wires embedded within the rubber slab and extending between the opposed side edges for most of the width of the rubber slab and a plurality of evenly parallel spaced wires embedded within the rubber slab and extending between the opposed end edges for most of the length of the rubber slab with the reinforcing wire providing sufficient rigidity while retaining sufficient flexibility to conform to the surface applied thereto (*See FIGs 1 and 2 and col. 3, l. 1 to col. 4, l. 4, col. 4, ll. 23-34, mat #1 with steel wire/screen embedded within rubber #3.*), however, fails to expressly disclose the diameter of the reinforcing wire not smaller than the diameter of number ten gauge wire, being six and three gauges in the different directions, the wire being of different gauges in different directions, the spacing being two or three inches in one direction and different in the different directions and the rubber being made from recycled vehicular tires.

However, Kent ('694) teaches the screen needs to be strong enough to give structural support and flexible enough so as to conform to the surface to be covered and the size of the wire and spacing can be larger or smaller depending on how the mat is used (*See col. 3, l. 1 to col. 4, l. 4, col. 4, ll. 23-34.*). Furthermore, Applicant acknowledges on p. 4, lines 26-28 of Applicant's Specification that the gauge and spacing of the wire can be altered to satisfy the intended use.

Crook ('754) teaches a wire reinforced rubber mat made from recycled vehicle tires that are capable of supporting heavy vehicles and protecting against flying debris (*See col. 2, ll. 4-21 and 35-40.*) for the purpose of supporting ground vehicles or protecting against flying debris as a result of blasting (*See col. 2, ll. 35-40.*). Furthermore, a person having ordinary skill in the art would know how through routine experimentation and optimization to increase or decrease the dimensions and orientations of the reinforcement based on the load and flexibility requirements for the particular application.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time Applicant's invention was made to use recycled rubber tires as taught by Crook ('754) in Kent ('694) and vary the gauge number and spacing of the wire through routine experimentation and optimization in order to provide a strong, flexible mat that is economical, environmentally friendly and satisfies the intended use requirements.

ANSWERS TO APPLICANT'S ARGUMENTS

4. In response to Applicant's arguments regarding the 35 USC 112 and 102 rejections (*See p. 4, of Applicant's Paper filed 30 January 2009.*), it is noted that said rejections have been withdrawn in view of the amendments.
5. In response to Applicant's arguments regarding the dimensions of the wire and how the purposes of Kent's ('694) mat and Applicant's mat are different (*See pp. 5-6 of Applicant's Paper filed 30 January 2009.*), it is noted that the Examiner concurs that Kent ('694) does not expressly disclose the wire with the same diameter. However, as discussed above, newly cited Crook ('754) teaches its' mats being usable to both

protect against flying debris as a result of explosions which is substantially similar to how Kent ('694) is capable of being used. Furthermore, Crook ('754) teaches its' mats also being usable to provide ground support for heavy vehicles (*See col. 2, ll. 35-40.*). Thus, a person having ordinary skill in the art would obviously know how through routine experimentation to select a wire dimension that is suitable for providing ground support for heavy vehicles. Additionally, Applicant's invention is clearly bendable since it is usable over uneven terrain.

6. In response to Applicant's arguments that a mat that is bendable and suitable would not be suitable for an access mat (*See p. 5 para. 4 to p. 6, para. 3 of Applicant's Paper filed 30 January 2009.*), it is noted that Applicant's arguments are not commensurate in scope with the claims as said limitations are not set forth. Furthermore, no dimensions are set forth regarding the dimensions or properties of the rubber.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571)272-0496. The examiner can normally be reached on Monday-Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BTO/
Brent T. O'Hern
Examiner
Art Unit 1794
March 27, 2009

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/Elizabeth M. Cole/
Primary Examiner, Art Unit 1794